


U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

MICHAEL WILSON

DOCKET NO. 06-CV-2409

VERSUS

JUDGE DRELL

HARRY LAPIN, ET AL

MAGISTRATE JUDGE KIRK

NOTICE OF INTENT TO DISMISS

Pro se Plaintiff Michael F. Wilson is a federal inmate currently incarcerated at the United States Penitentiary in Beaumont, Texas. He filed the instant lawsuit with pro se Plaintiff Theresa Lacy, a non-prisoner who visited Inmate Wilson while he was incarcerated at the United States Penitentiary in Pollock, Louisiana. Wilson's and Lacy's claims were severed, so Wilson is the only plaintiff in the above-captioned matter.

On April 30, 2007, the undersigned issued a Memorandum Order [Doc. #27], directing Plaintiff to submit a proper application to proceed in forma pauperis ("IFP"). **The IFP form was mailed to Plaintiff on May 1, 2007 by the Clerk of Court.** Plaintiff was ordered to amend his complaint and submit the completed IFP form by May 30, 2007.

A motion for enlargement of time was filed by Plaintiff, and the undersigned granted an extension of thirty days, to July 6, 2007, to respond to the Court's Memorandum Order. **Plaintiff Wilson was again specifically instructed to complete the IFP form, and a**

second IFP form was mailed to Plaintiff Wilson by the Clerk of Court. [Docket Sheet Order 6/6/07 and Remark 6/8/07]

Plaintiff filed an amended complaint on July 9, 2007, but still, to this date, has not submitted the completed IFP application.

Pursuant to Federal Rules of Civil Procedure, Rule 41(b), this failure is grounds for dismissal of this action. Such dismissals may be done *sua sponte* in accordance with the court=s inherent power to control its own docket. See Link v. Wabash Railroad Company, 82 S.Ct. 1386 (1962); Rogers v. Kroger, Co., 669 F.2d 317, 320-321 (5th Cir. 1982); Natural Gas Pipeline Co. v. Energy Gathering, Inc., 2 F.3d 1397, 1407 (5th Cir. 1993).

Accordingly, this court will dismiss this matter with prejudice under Rule 41(b) unless the plaintiff files, within fifteen (15) calendar days from the date of this order, evidence of good cause for his failure to comply with this Court's order and a properly completed application to proceed in forma pauperis signed by Plaintiff, as previously ordered. In the alternative, Plaintiff may pay the appropriate filing fee.

Thus done and signed in Alexandria, Louisiana, this 15th day of October, 2007.


JAMES D. KIRK
UNITED STATES MAGISTRATE JUDGE